

EXHIBIT A

EFiled: May 19 2015 01:04PM -DTE
Transaction ID 57261807
Case No. N15C-05-149 EMD



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STEPHEN K. LUMOR and
EUNICE ABIEMO,

Plaintiffs,

v.

JOSEPH C. REYNOLDS and
FEDEX FREIGHT, INC.,
a foreign corporation,

Defendants.

C. A. No. N15C-

JURY TRIAL DEMANDED

SUMMONS

THE STATE OF DELAWARE,
TO THE SHERIFF OF NEW CASTLE COUNTY:
YOU ARE COMMANDED:

IN SHERIFF'S HANDS
NEW CASTLE COUNTY
2015 JUN -2 PM 2:15

To summon the above named defendant Fedex Freight, Inc. so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon Gary S. Nitsche, Esquire, plaintiff's attorney, whose address is 305 N. Union Street, Second Floor, Wilmington, Delaware 19805, an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiffs).

Dated: 6/1/15

SHARON AGNEW, Notary

Per Deput

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

SHARON AGNEW, Notary

Per Deput

SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)
 Transaction ID 57261807
 Case No. N15C-05-149 EMD
 CIVIL ACTION NUMBER: N15C-



COUNTY: (New Castle) Kent Sussex

<p>CAPTION:</p> <p>STEPHEN K. LUMOR and EUNICE ABIEMO,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JOSEPH C. REYNOLDS, and FEDEX FREIGHT, INC., a foreign corporation,</p> <p>Defendants.</p>	<p>Civil Case Code: <u>CPIA</u></p> <p>Civil Case Type: <u>Personal Injury/Auto</u></p> <p>Name and Status of Party Filing Document:</p> <p><u>Stephen K. Lumor and Eunice Abiemo, Plaintiffs.</u></p> <p>Document Type:(e.g. Complaint, Answer with counterclaim)</p> <p><u>Complaint</u></p> <p>JURY DEMAND <u>X</u> Yes <u> </u> No.</p>
<p>ATTORNEY NAME(S):</p> <p>GARY S. NITSCHKE, P.A.</p> <p>MICHAEL B. GALBRAITH, ESQ.</p> <p>ATTORNEY ID(S):</p> <p>2617 and 4860</p> <p>FIRM NAME:</p> <p>WEIK, NITSCHKE, DOUGHERTY & GALBRAITH</p> <p>ADDRESS:</p> <p>305 N. Union Street, Second Floor</p> <p>P. O. Box 2324</p> <p>Wilmington, DE 19899</p> <p>TELEPHONE NUMBER:</p> <p>(302) 655-4040</p> <p>FAX NUMBER:</p> <p>(302) 654-4892</p> <p>E-MAIL ADDRESS:</p> <p><u>gnitsche@attys4u.com</u></p> <p><u>mgalbraith@attys4u.com</u></p>	<p>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>EXPLAIN THE RELATIONSHIP(S): _____</p> <p>_____</p> <p>_____</p> <p>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: _____</p> <p>_____</p> <p>_____</p>

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Defendants.

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COMPLAINT

1. The Plaintiff, Stephen K. Lumor, is a resident of the State of Delaware and resides at 314 Topaz Circle, Dover, Delaware 19904.

2. The Plaintiff, Eunice Abiemo, is a resident of the State of Delaware and resides at 314 Topaz Circle, Dover, Delaware 19904.

3. The Defendant, Joseph Reynolds, is a resident of the State of Maryland, and resides at 8033 Baptist Church Road, Mardela Springs, Maryland 21837.

4. The Defendant, FedEx Freight, Inc. is a foreign corporation and conducts business at 7306 N. Baker Road, Fremont, Indiana 46737.

5. On or about September 6, 2013, the Plaintiff Stephen K. Lumor, with the Plaintiff Eunice Abiemo as his passenger, was at all times herein relevant exercising due care and was proceeding northbound on McKee Road, near the Gemstone Boulevard, in the City of Dover, County of New Castle, State of Delaware.

4. At or about the same time and place, the Defendant Joseph Reynolds, who was acting in the course and scope of his employment as the agent and/or employee of Defendant

FedEx Freight, Inc., and was proceeding northbound on McKee Road, near the Gemstone Boulevard intersection, in the City of Dover, County of Kent, State of Delaware, directly behind the Plaintiffs' vehicle, and negligently caused his vehicle to strike Plaintiffs' vehicle, which caused Plaintiffs to strike another vehicle, all with force and violence.

5. The Defendant Joseph C. Reynolds was negligent in that he:

- (a) Failed to maintain a proper lookout;
- (b) Failed to maintain proper control over his vehicle;
- (c) Operated his motor vehicle in a careless manner in violation of 21 *Del.C.* §4176(a);
- (d) Operated his motor vehicle in an imprudent manner in violation of 21 *Del.C.* §4176(a);
- (e) Operated his vehicle without due regard for road and traffic conditions then existing in violation of 21 *Del.C.* §4176(a);
- (f) Failed to maintain a proper lookout in violation of 21 *Del.C.* §4176(b);
- (g) Failed to give his full time and attention to the operation of his motor vehicle in violation of 21 *Del.C.* §4176(b);
- (h) Failed to control the speed of his motor vehicle as was necessary to avoid colliding with another vehicle on the highway in violation of 21 *Del.C.* §4168;
- (i) Followed another vehicle more closely than was reasonable and prudent without having due regard for the speed of such vehicle, and the traffic upon the highway, in violation of 21 *Del.C.* §4123(a);
- (j) As otherwise will be revealed through discovery in the case.

6. Each of the aforementioned acts of negligence of the Defendant, Joseph C. Reynolds, are attributable to FedEx Freight, Inc., by reason of the doctrine of *respondeat superior*.

7. Each of the aforementioned acts of negligence of the Defendants constitutes a proximate cause of the collision, and injuries and damages resulting to the Plaintiffs.

8. As a proximate result of the aforesaid negligence of the Defendants, the Plaintiffs have suffered the following injuries and damages:

- (a) Personal injuries all of which may be permanent;
- (b) Pain and suffering;
- (c) Medical expenses not covered by 21 *Del.C.* §2118, plus future medical expenses.

WHEREFORE, Plaintiffs demand judgment against the Defendant, jointly and severally, for personal injuries, pain and suffering, past and future medical expenses, interest pursuant to 6 *Del. C.* §2301(d), and Court costs.

WEIK, NITSCHKE, DOUGHERTY & GALBRAITH

BY: /s/ Gary S. Nitsche
GARY S. NITSCHKE, P.A. I.D. #2617
MICHAEL B. GALBRAITH, ESQ. I.D. #4860
305 N. Union Street, Second Floor
P.O. Box 2324
Wilmington, DE 19899
(302) 655-4040
Attorneys for Plaintiffs